

1 MELINDA L. HAAG (CSBN132612)
United States Attorney
2 JOANN M. SWANSON (CSBN 88143)
Chief, Civil Division
3 JUAN D. WALKER (CSBN 208008)
Assistant United States Attorney
4 450 Golden Gate Avenue, Box 36055
San Francisco, California 94102-3495
5 Telephone: (415) 436-6915
Facsimile: (415) 436-6748
6 Email: juan.walker@usdoj.gov

7 Attorneys for the Federal Defendant

8 LEWIS BRISBOIS BISGAARD & SMITH LLP
CHRISTOPHER J. NEVIS, SB# 162812
9 E-Mail: nevis@lbbslaw.com
MICHAEL S. ROMEO, SB# 180978
10 E-Mail: romeo@lbbslaw.com
One Sansome Street, Suite 1400
11 San Francisco, California 94104
Telephone: (415) 362-2580
12 Facsimile: (415) 434-0882

13 Attorneys for Defendant WEST BAY BUILDERS, INC.

14 LAW OFFICES OF CLARK W. PATTEN
Clark W. Patten (SBN 77707)
15 21C Orinda Way #362
Orinda, CA 94563
16 E-mail: cpattenesq@gmail.com

17 Attorneys for Plaintiff ABF FREIGHT SYSTEMS, INC.

18 Albert G. Stoll, Jr. (SBN 164649)
19 Christian J. Einfeldt, (SBN 165953)
Albert G. Stoll, Jr. A Law Corporation
20 55 Francisco Street, Suite 403
San Francisco, California 94133
21 Phone: (415) 576-1500
E-mail: astoll@stoll-law.com

22 Attorneys for Plaintiff Thomas Mills

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ABF FREIGHT SYSTEMS, INC.,) No. C-10-5188 SI
Plaintiff,)
v.)
UNITED STATES OF AMERICA, WEST)
BAY BUILDERS,)
Defendants.)
STIPULATION AND [PROPOSED] ORDER
TO RELATE AND CONSOLIDATE CASES

The parties, by and through their counsel of record, hereby stipulate and agree as follows:

1. Plaintiff ABF Freight Systems, Inc. filed the above-captioned Federal Tort Claims Act (“FTCA”) action on November 16, 2010, against Defendants United States of America and West Bay Builders, Inc. Plaintiff claims it paid workers’ compensation benefits to and on behalf of its employee, Thomas Mills, for injuries allegedly arising from a slip and fall accident that occurred on or about December 12, 2008. At the request of the parties to this action, the Court stayed this matter until October 28, 2011 to determine whether Thomas Mills would file suit in this district.

2. On September 20, 2011, Plaintiff Thomas Mills, filed an FTCA complaint in this district captioned, *Thomas Mills v. United States of America*, Case No. CV-11-4663 (JCS). The complaint seeks damages from Defendant United States of America for injuries allegedly arising from the same slip and fall accident alleged in the instant action which occurred on or about December 12, 2008.

3. The parties believe that the two actions involve substantially the same parties, property and events, so the actions should be “related cases” within the meaning of Local Rule 3-12.

4. The parties believe that relating and consolidating the two actions would serve the interests of judicial economy and avoid the potential for conflicting rulings.

5. For the above stated reasons, the parties request that the Court relate and consolidate the two actions.

SO STIPULATED.

DATED: December 5, 2011

MELINDA L. HAAG
United States Attorney

/s/
JUAN D. WALKER
Assistant United States Attorney
Attorneys for Federal Defendant

DATED: December 9, 2011

LEWIS BRISBOIS BISGAARD & Mills LLP

DATED: December 5, 2011

LAW OFFICE OF CLARK W. PATTEN

RATED: December 8, 2011

ALBERT G. STOLL JR. | A Law Corporation

/s/

CHRISTIAN J. EINFELDT
Attorneys for Plaintiff Thomas Mills

[PROPOSED] ORDER

Pursuant to stipulation, IT IS SO ORDERED.

Dated: 12/12/2011

STIPULATION AND [PROPOSED] ORDER
TO RELATE AND CONSOLIDATE CASES
C 10-5188 SI

